

**INSPECTIONS AND APPEALS DEPARTMENT[481]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 10A.104(5) and 135C.14, the Department of Inspections and Appeals hereby amends Chapter 50, "Health Care Facilities Administration," Chapter 56, "Financing and Citations," and Chapter 58, "Nursing Facilities," Iowa Administrative Code.

This rule making is intended to implement 2009 Iowa Acts, Senate File 433. The amendments to Chapter 50 include new requirements for exit interviews, plans of correction, and revisits; set forth the process for handling complaints and self-reported incidents; update requirements for service; and include inspector conflict of interest provisions. The amendments to Chapter 56 add waiver provisions for violations, self-identification procedures, procedures for the 35 percent reduction, and provisions for double class I fines for intentional violations and update the appeals and informal conference portions to conform with the new law. The amendment to Chapter 58 adds training requirements for nursing facility inspectors to conform with the new law.

Notice of Intended Action for these amendments was published in the October 7, 2009, Iowa Administrative Bulletin as **ARC 8190B**. Since publication of the Notice, Item 9, which amends rule 481—56.15(135C), has been changed to include an amendment to subrule 56.15(2) to add class I citations to correct an oversight in the Notice. Subrule 56.15(2) now reads as follows:

**"56.15(2)** If the facility does desire to further contest an affirmed or modified citation for a class I, class II or class III violation, the facility shall, within five working days after the informal conference, or within five working days after receipt of the written decision and explanation of the department of inspections and appeals' representative at the informal conference, as the case may be, notify the department of inspections and appeals in writing of the facility's intent to formally contest the citation."

Comments related to the taking of photographs and to standards for determining a deficiency were received from one state agency. Both comments, which were outside the scope of this rule making, related to federal requirements and not to specific state requirements; therefore, the Department has not incorporated the suggestions.

These amendments were presented to the State Board of Health at the Board's December 8, 2009, meeting, at which time they were approved.

These amendments are intended to implement Iowa Code sections 10A.104(5) and 135C.14 and 2009 Iowa Acts, Senate File 433.

These amendments will become effective February 3, 2010.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [50.10 to 50.13, 56.3, 56.6, 56.13 to 56.16, 58.57] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 8190B**, IAB 10/7/09.

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[For replacement pages for IAC, see IAC Supplement 12/30/09.]